

REQUEST FOR COUNCIL ACTION

SUBJECT: Gardner Lane Right-of-Way Donation

SUMMARY: Phong Nguyen and Li Chen (the "Property Owners") desire to develop their property located at 1715 West Gardner Lane, West Jordan. One condition of development is the dedication or donation of additional road right-of-way necessary for the future widening of Gardner Lane. The Property Owners desire to donate the additional right-of-way in advance of development, as evidenced by the documents attached hereto.

FISCAL:

IMPACT: None.

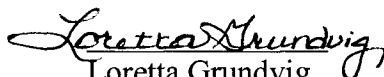
STAFF RECOMMENDATION:

Staff recommends that City Council accept the right-of-way donation.

MOTION RECOMMENDED:

"I move to adopt Resolution No. 15-150, accepting the right-of-way donation, free of charge, from Phong Nguyen and Li Chen, subject to the provisions outlined in the documents attached hereto and subject to review and approval by the West Jordan City Attorney."

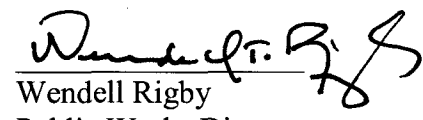
Prepared by:


Loretta Grundvig
ODA Dev Coordinator

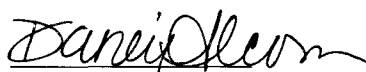
Reviewed by:


David Clemence
Real Estate Services Manager


Recommended by:


Wendell Rigby
Public Works Director

Reviewed as to legal form:


Darien Alcorn
Deputy City Attorney

Recommended by:


Bryce Haderlie
Interim City Manager

BACKGROUND DISCUSSION:

Phong Nguyen and Li Chen (the “Property Owners”) desire to develop their property located at 1715 West Gardner Lane, West Jordan. One condition of development is the dedication or donation of additional road right-of-way necessary for the future widening of Gardner Lane in accordance with the City’s Master Transportation Plan. The Property Owners desire to donate the additional right-of-way to the City free of charge in advance of development, as evidenced by the documents attached hereto.

Attachments:

Resolution

Special Warranty Deed

Voluntary Acquisition Acknowledgment

Right of Way Donation

Agreement to Pay Accrued Taxes

Area Reference Map

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

RESOLUTION NO. 15-150

**A RESOLUTION TO ACCEPT A RIGHT-OF-WAY DONATION
FROM PHONG NGUYEN AND LI CHEN**

Whereas, Phong Nguyen and Li Chen (the "Property Owners") own real property located at 1715 West Gardner Lane, West Jordan, Utah, which is more particularly described in the documents attached hereto; and

Whereas, the Property Owners would like to develop their property, but recognize the need to dedicate or donate additional right-of-way to the City for a future public road widening project consistent with the City's Master Transportation Plan; and

Whereas, the Property Owners have agreed to donate the additional right-of-way to the City, free of charge, for a future public road widening project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. The City of West Jordan hereby accepts the right-of-way donation, free of charge, from Phong Nguyen and Li Chen, subject to the provisions outlined in the documents attached hereto and subject to review and approval by the West Jordan City Attorney.

Section 2. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 12th day of August, 2015.

CITY OF WEST JORDAN

ATTEST:

By: _____
MELANIE S. BRIGGS, MMC
City Clerk

By: _____
KIM V. ROLFE
Mayor

Voting by the City Council

"AYE"

"NAY"

Council Member Jeff Haaga
Council Member Judy Hansen
Council Member Chris McConnehey
Council Member Chad Nichols
Council Member Sophie Rice
Council Member Ben Southworth
Mayor Kim V. Rolfe

WHEN RECORDED, PLEASE RETURN TO:

West Jordan City Recorder
8000 South Redwood Road
West Jordan, Utah 84088

APN: Portion of: 27-03-128-008

SPECIAL WARRANTY DEED

PHONG NGUYEN and LI CHEN (hereinafter referred to as "Grantor"), of West Jordan City, Salt Lake County, State of Utah, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby convey and warrant against all who claim by, through or under the Grantor, to the CITY OF WEST JORDAN, UTAH, a municipal corporation and political subdivision of the State of Utah (hereinafter referred to as "Grantee"), whose principal office address is 8000 South Redwood Road, West Jordan, Utah 84088, the following parcels of real property located in Salt Lake County, State of Utah, more particularly described as follows, to wit:

Commencing at the intersection of the Westerly line of Redwood Road and the Southerly line of Gardner Lane, said point being 388.14 feet South 00°03'25" East along the section line and 63.86 feet West from the North Quarter corner of Section 3, Township 3 South, Range 1 West of the Salt Lake Base & Meridian; thence South 45°11'18" East 15.31 feet along said Westerly line; thence South 00°03'25" East 29.21 feet along said Westerly line; thence Northwesterly 47.12 feet along the arc of a 30.00 foot radius curve to the left through a central angle of 89°59'59" (chord bears North 45°03'24" West 42.43 feet); thence South 89°56'36" West 107.00 feet, more or less, to the Grantor's Westerly property line; thence North 00°03'25" West 10.00 feet along the Grantor's Westerly property line, more or less, to the Southerly line of said Gardner Lane; thence North 89°56'36' East 126.14 feet along said Southerly line to the point of beginning.

The foregoing contains 1,505 square feet, or 0.0346 acres, more or less.

TO HAVE AND TO HOLD the described property, together with the tenements, hereditaments, and appurtenances belonging to the property to Grantee, Grantee's successors and assigns forever.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 09 day of July, 2015.



PHONG NGUYEN



LI CHEN

STATE OF UTAH)

COUNTY OF Salt Lake :ss

On the 09 day of July, 2015, personally appeared before PHONG NGUYEN and LI CHEN, the signers of the foregoing instrument who duly acknowledged to me that they executed the same.



Notary Public

Residing at Kaysville

My Commission Expires Septu 07, 2016



NOTARY PUBLIC
ERLYN DEJONGE
688541
COMMISSION EXPIRES
SEPTEMBER 7, 2016
STATE OF UTAH

**VOLUNTARY ACQUISITION
ACKNOWLEDGEMENT**

Project: 1715 West Gardner Lane Site Plan

Parcel: 27-03-128-008

Name: PHONG NGUYEN and LI CHEN

The City of West Jordan, Utah, is interested in voluntarily acquiring a portion of your property located at 1715 West Gardner Lane, West Jordan, Utah 84088, for a future road widening project, which may be eligible for future funding assistance from the Federal Highway Administration.

The City of West Jordan will **not** pursue acquisition by eminent domain in the event you are not interested in selling or donating your property.

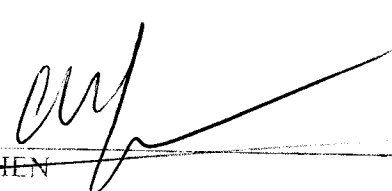
The City of West Jordan's request to acquire your property is for transportation corridor preservation and is not a necessary part of a funded transportation project at this time. Therefore, under corridor preservation guidelines, the City of West Jordan may only acquire your property if you are willing to voluntarily sell or donate it, and the City of West Jordan is prohibited from using eminent domain to acquire your property (Utah Code Ann. Section 72-5-402(2)).

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants, who move as a result of a voluntary acquisition, are **not** eligible for relocation assistance. The property owners understand and acknowledge that if he/she/they waited for the funded project for this portion of the roadway, they would be eligible for relocation benefits pursuant to 49 CFR 24. However, by signing below the property owners understand and acknowledge that he/she/they are not entitled to any relocation benefits for the voluntary purchase of the property in advance of a funded project and freely choose to sell the property to the City of West Jordan before the project is funded.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 09 day of July, 2015.



PHONG NGUYEN



LI CHEN

RIGHT OF WAY DONATION

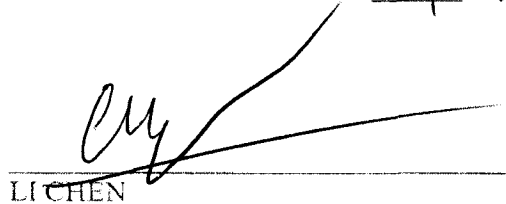
PHONG NGUYEN and LI CHEN (hereinafter referred to as "Grantor"), hereby acknowledges that it has the right to receive just compensation for the right of way parcel described below, but agrees to donate said property to the City of West Jordan without compensation, and to deliver the properly executed deed(s) to the City of West Jordan, with any and all releases necessary to provide the City of West Jordan with clear title.

Commencing at the intersection of the Westerly line of Redwood Road and the Southerly line of Gardner Lane, said point being 388.14 feet South 00°03'25" East along the section line and 63.86 feet West from the North Quarter corner of Section 3, Township 3 South, Range 1 West of the Salt Lake Base & Meridian; thence South 45°11'18" East 15.31 feet along said Westerly line; thence South 00°03'25" East 29.21 feet along said Westerly line; thence Northwesterly 47.12 feet along the arc of a 30.00 foot radius curve to the left through a central angle of 89°59'59" (chord bears North 45°03'24" West 42.43 feet); thence South 89°56'36" West 107.00 feet, more or less, to the Grantor's Westerly property line; thence North 00°03'25" West 10.00 feet along the Grantor's Westerly property line, more or less, to the Southerly line of said Gardner Lane; thence North 89°56'36" East 126.14 feet along said Southerly line to the point of beginning.

The foregoing contains 1,505 square feet, or 0.0346 acres, more or less.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 09 day of July, 2015.


PHONG NGUYEN

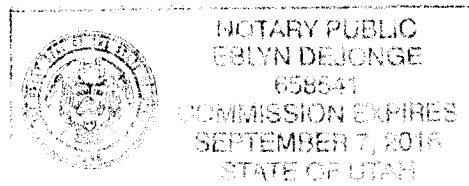

LI CHEN

STATE OF UTAH)

COUNTY OF Salt Lake)
SS.

On the 09 day of July, 2015, personally appeared before PHONG NGUYEN and LI CHEN, the signers of the foregoing instrument who duly acknowledged to me that they executed the same.


Notary Public
Residing at Rayville
My Commission Expires 09-07-2016



CITY OF WEST JORDAN

Darien Alcorn
Interim City Attorney
Robert Thorup
Deputy City Attorney

Office of the City Attorney
Second Floor, City Hall
8000 South Redwood Road
West Jordan, Utah 84088

Telephone: (801) 569-5140
Facsimile: (801) 569-5149

RE: 1715 West Gardner Lane Site Plan Road Dedication

Dear PHONG NGUYEN and LI CHEN:

Pursuant to City of West Jordan procedures, City staff has reviewed a commitment for title insurance or preliminary title report for the real property affected by the above referenced Site Plan Road Dedication. It is the City's policy that dedications of real property must be free of all liens and encumbrances. The commitment for title insurance or preliminary title report indicates a lien for this year's taxes that are accruing but not yet due and payable.


Please execute this letter below attesting that: 1) you are authorized to sign on behalf of the owner of the real property affected by the Site Plan Road Dedication; 2) the property owner hereby agrees to pay all accrued property taxes, accrued through the date of the Road Dedication, on parcels dedicated to the City; and 3) the property owner hereby agrees to indemnify City for taxes that are assessed to City, if such taxes accrued prior to dedication.

Sincerely,

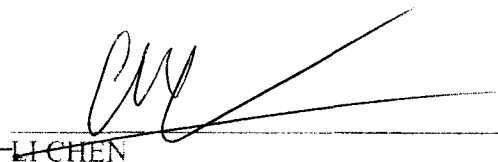
David Clemence
Real Estate Services Manager

We, PHONG NGUYEN and LI CHEN, the owners of certain real property affected by the above referenced Site Plan Road Dedication, hereby attest that we have authority and do agree to the payment of taxes as described herein.

IN WITNESS WHEREOF, Grantor has executed this instrument as of this 09 day of July, 2015.



PHONG NGUYEN



LI CHEN

